



TOWNSHIP OF SOUTH FRONTENAC
PLANNING DEPARTMENT



MINUTES 17:10
November 9, 2017

LOCATION: South Frontenac Municipal Offices, Sydenham

IN ATTENDANCE: Ron Sleeth (Storrington District-C)
Ken Gee (Storrington District)
Alan Revill (Bedford District-C)
David Hahn (Bedford District)
Larry Redden (Portland District)
Ross Sutherland (Loughborough District-C)
John McDougall (Portland District-C)

ABSENT WITH REGRETS: John Sherbino (Loughborough District)

STAFF: Lindsay Mills – Secretary-Treasurer/Planner
Jennie Kapusta – Deputy Secretary Treasurer

Table of Contents

Item #1: Call to Order.....	1
Item #2: Adoption of the Agenda.....	1
Item #3: Declaration of Pecuniary Interest.....	1
Item #4: Approval of Minutes.....	1
Item #5: S-51-17-P (Jan Pacan).....	2
Item #6: S-52-17-B (McSorley).....	2
Item #7: S-53-17-P (Smith).....	3
Item #8: S-55-17-P (Kerr).....	5
Item #9: MV-42-17-B (Verlinden, Brown).....	7
Item #10: MV-43-17-L (Colangeli).....	8
Item #15: Adjournment.....	8

Item #1: Call to Order

RESOLUTION: C of A: 17:10:01

Moved by: R. Sutherland

Seconded by: K. Gee

THAT the November 9, 2017 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:00 p.m. with Alan Revill in the Chair.

Carried

Item #2: Adoption of the Agenda

Approved as circulated

Item #3: Declaration of Pecuniary Interest

None declared

Item #4: Approval of Minutes

RESOLUTION: C of A: 17:10:02

Moved By: R. Sleeth

Seconded By: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves the minutes of the October 12, 2017 meeting of the Committee, as circulated.

Carried

Item #5: S-51-17-P (Jan Pacan)

Speaking to the Application: None Speaking

Discussion:

The subject land consists of 15.95 +/- acres with frontage on Alton Road West. The lot is currently developed with a single detached dwelling and multiple detached accessory buildings. The proposal is for the creation of a 0.32 +/- acre lot addition, with 70 feet of frontage on Alton Road West, to 3648 Alton Road West (ARN 102908002003402). The retained parcel will be approximately 15.5 +/- acres in size. This proposed lot addition would increase the size of an existing undersized lot while maintaining sufficient size and road frontage on the retained parcel.

The planning department is able to support the application for the proposed lot addition.

Comments from Cataraqui Region Conservation Authority, KFL&A Public Health and Public Works were not required.

The building department has no objections.

RESOLUTION: C of A: 17:10:03

Moved by: J. McDougall

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-51-17-P by Jan Pacan, to create a lot addition, in Concession 5, Part Lot 1, Alton Road West, District of Portland, subject to conditions.

Carried

Application No: S-51-17-P
Owner: Jan Pacan
Location of Property: Concession 5, Part Lot 1, Alton Road West, District of Portland, Township of South Frontenac
Purpose of Application: Consent to create a lot addition
Date of Hearing: November 9, 2017
Date of Decision: November 9, 2017

DECISION: PROVISIONAL CONSENT BE GRANTED, subject to conditions

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-51-17-P shall be for the creation of a 0.32 +/- acre, maximum 70 feet of frontage on Alton Road West, lot addition only to 3648 Alton Road West (ARN 102908002003402).
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive \$100 in lieu of parkland [Planning Act, s. 51(1)].

Item #6: S-52-17-B (McSorley)

Speaking to the Application: Joan McSorley

Discussion:

The subject land consists of 33 +/- acres (13.4 hectares) with frontage on McGowan Lane and Thirty Island Lake. The lot is currently vacant. The proposal is for the creation of a 2.1 +/- acre lot addition, with frontage on McGowan Lane and Thirty Island Lake, to 144 McGowan Lane (ARN

102902004006600). The retained parcel will be approximately 31+/- acres in size. This lot addition will increase the size of an existing undersized lot and regularize an oddly shaped larger lot. The planning department is able to support the application for the proposed lot addition. Quinte Conservation Authority has no objections to the proposed lot addition. Comments from KFL&A Public Health and Public Works were not required. The building department has no objections.

RESOLUTION: C of A: 17:10:04

Moved by: L. Redden

Seconded by: J. McDougall

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-52-17-B by Joan McSorley, to create a lot addition, in Concession 3, Part Lot 6, McCowan Lane, District of Bedford, subject to conditions.

Carried

Application No: S-52-17-B
Owner: Joan McSorley
Location of Property: Concession 3, Part Lot 6, McGowan Lane, District of Bedford, Township of South Frontenac
Purpose of Application: Consent to create a lot addition
Date of Hearing: November 9, 2017
Date of Decision: November 9, 2017

DECISION: PROVISIONAL CONSENT BE GRANTED, subject to conditions

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-52-17-B shall be for the creation of a 2.1 +/- acre lot addition only to 144 McGowan Lane (ARN 102902004006600).
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive \$100 in lieu of parkland [Planning Act, s. 51(1)].
6. Prior to the stamping of the deeds, the applicant shall rezone the lot addition parcel from Rural (RU) to Limited Service Residential Waterfront (RLSW). Please see Planner Lindsay Mills to begin this process.

Item #7: S-53-17-P (Smith)

Speaking to the Application: None speaking

Discussion:

The subject land consists of 53 +/- acres (21.4 hectares) with frontage on Camden-Portland Boundary Road and Bradford Road. The lot is currently developed with a single detached dwelling, a detached accessory building and an agricultural building. The proposal is for the creation of two new residential lots, each would be approximately 4.9 acres in size. The proposed northern lot (S-53-17-P), with frontage only on Camden-Portland Boundary Road, would encompass an existing agricultural building on the property. The Township's Comprehensive Zoning By-law 2003-75 regulates properties between 3 acres and 25 acres in size under Section 5.41 Hobby Farm. At 4.9 acres in size the maximum number of animal units permitted by the zoning by-law is 2 animal units. The Ontario

Ministry of Agriculture, Food and Rural Affairs (OMAFRA) states that on properties with less than 5 animal units there is no requirement to complete a Minimum Distance Separation (MDS) calculation; as such no MDS calculation was needed for this severance application. There will be a condition that requires the registration of this lot prior to the stamping of the deeds for the southern lot, should the committee grant provisional consent to these applications. The proposed southern lot (S-54-17-P) has frontage on both Camden-Portland Boundary Road and Bradford Road.

The retained parcel will be approximately 43+/- acres in size and encompass the existing dwelling and detached accessory building.

The planning department is able to support the application for both the proposed lots.

Comments from Quinte Conservation Authority were not required.

Comments from KFL&A Public Health have yet to be received.

Public Works have no objections.

The building department has no objections.

RESOLUTION: C of A: 17:10:05

Moved by: J. McDougall

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-53-17-P by Robert Smith, to create a new lot, in Concession 6, Part Lot 18, Camden-Portland Boundary Road, District of Portland, subject to conditions.

Carried

RESOLUTION: C of A: 17:10:06

Moved by: L. Redden

Seconded by: J. McDougall

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-54-17-P by Robert Smith, to create a new lot, in Concession 6, Part Lot 18, Camden-Portland Boundary Road, District of Portland, subject to conditions.

Carried

Application No: S-53-17-P, S-54-17-P
Owner: Robert Smith
Location of Property: Concession 6, Part Lot 18, Camden-Portland Boundary Road, District of Portland, Township of South Frontenac
Purpose of Application: Consent to create a lot addition
Date of Hearing: November 9, 2017
Date of Decision: November 9, 2017

DECISION: PROVISIONAL CONSENT BE GRANTED, subject to conditions

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-53-17-P shall be for the creation of a 4.9 +/- acre lot with approximately 119 metres (391 feet) of frontage on Camden-Portland Boundary Road.
3. The land to be severed by Consent Application S-54-17-P shall be for the creation of a 4.9 +/- acre lot with approximately 115 metres (379 feet) of frontage on Camden-Portland Boundary Road and approximately 155 metres (510 feet) of frontage on Bradford Road.
4. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.

5. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
6. The Township of South Frontenac shall receive 5% of the value of each parcel to be severed through consent applications S-53-17-P and S-54-17-P in lieu of parkland [Planning Act, s. 51(1)].
7. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:
 - a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
 - c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.
 - d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.
8. The applicant must submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test for each of the parcels severed through consent applications S-53-17-P and S-54-17-P.
9. The lot to be created through consent application S-53-17-P must be registered prior to the stamping of the deed for the lot to be created through consent application S-54-17-P.

Item #8: S-55-17-P (Kerr)

Speaking to the Application: Everett Kerr

Discussion:

The subject land consists of 57.75 +/- acres (23.4 hectares) with frontage on Road 38 and Alton Road West. The lot is currently vacant. The proposal is for the creation of a new commercial lot with a minimum size of 2.0 acres and approximately 99 metres of frontage along Road 38. The retained parcel will be approximately 55 +/- acres in size.

The planning department is able to support the application for both the proposed lot.

Comments from Cataraqui Region Conservation Authority were not required.

Comments from KFL&A Public Health have yet to be received.

Public Works have no objections to the proposal but have indicated a specific location for the entrance to the proposed lot opposite to the existing entrance to Centennial Park Road. Further entrance and/or road upgrades will be evaluated during the rezoning and site plan process.

The building department has no objections.

There was discussion amongst committee members regarding entrance location and possible road upgrades that may be needed. These concerns will be addressed in detail at the rezoning stage once further information on the commercial development has been received.

RESOLUTION: C of A: 17:10:07

Moved by: J. McDougall

Seconded by: L. Redden

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES consent application S-55-17-P by Everett and Joan Kerr, to create a new lot, in Concession 5, Part Lot 6, Road 38, District of Portland, subject to conditions.

Carried

Application No: S-55-17-P
Owner: Everett Kerr
Location of Property: Concession 5, Part Lot 6, Road 38, District of Portland, Township of South Frontenac
Purpose of Application: Consent to create new commercial lot
Date of Hearing: November 9, 2017
Date of Decision: November 9, 2017

DECISION: PROVISIONAL CONSENT BE GRANTED, subject to conditions

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands in duplicate [Registry Act, s.81, Land Titles Act, s. 150], and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year [Planning Act, s. 53(41)] after the "Notice of Decision" is given [Planning Act, ss. 53(17) and 53(24)].
2. The land to be severed by Consent Application S-55-17-P shall be for the creation of a minimum 2.0 acre lot with approximately 99 metres (326 feet) of frontage on Road 38.
3. Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. This includes all taxes levied as of the date of the stamping of the deeds.
4. In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.
5. The Township of South Frontenac shall receive 2% of the value of the parcel to be severed through consent application S-55-17-P in lieu of parkland [Planning Act, s. 51(1)].
6. The surveyor who prepares the reference plan referred to in condition #1 shall also determine by survey the width of the public road abutting the severed lands measured from the centre line of the traveled portion of the road to the lot line of the owner's property. If such width is less than 33 ft., the owner shall dedicate to the Township land along the frontage of the severed and/or retained lands as the case may be in the following manner:
 - a. The land to be dedicated shall be the width required to provide 33 ft. from the centre of the existing travelled road;
 - b. The land to be dedicated shall be described as a separate part on a Reference Plan of Survey to be prepared and deposited at the Owner's expense and filed with the Secretary-Treasurer prior to the stamping of the deeds;
 - c. The Transfer/Deed from the Owner for the land to be dedicated shall be engrossed in the name of "The Corporation of the Township of South Frontenac", and shall include the following attached to the Transfer/Deed as a Schedule:

The Transferor hereby transfers the lands to the municipality for the purpose of widening the adjacent highway pursuant to Section 31(6) of the Municipal Act, 2001, Chapter 25, as amended.
 - d. The Transfer/Deed for the land to be dedicated shall be registered by the Owner at the Owner's expense;
 - e. The duplicate registered Transfer/Deed for the land to be dedicated together with a letter of opinion of a solicitor qualified to practice law in the Province of Ontario addressed to the Secretary-Treasurer confirming that the municipality acquired good and marketable title to the land free and clear of all liens and encumbrances shall be delivered to the Secretary-Treasurer prior to stamping of Deeds.

7. The applicant must submit a well driller's report demonstrating a potable water pumping capacity of 3.5 gallons per minute sustained over a 6-hour pump test for the parcel severed through consent applications S-55-17-P.
8. Prior to the stamping of the deeds the applicant must rezone the lot to be created through consent application S-55-17-P from Rural (RU) to Urban Commercial (UC).

Item #9: MV-42-17-B (Verlinden, Brown)

Speaking to the Application: None Speaking

Discussion:

The subject land consists of 1.06 +/- acres with frontage on Dairy Lane and Wolfe Lake. The property is currently developed with a single detached dwelling. The proposal is for the demolition of the existing building and the construction of a new dwelling with attached garage. The proposed dwelling, with attached decks and garage would have a total finished footprint of 3250 square feet and would be located a minimum of 30.6 metres from the high water mark of Wolfe Lake. The property is zoned Limited Service Residential Waterfront (RLSW) which permits a maximum of five percent lot coverage; based on the size of the property, this permits a maximum footprint for the principal dwelling of 2300 square feet. At 3250 square feet the total lot coverage would be seven percent rather than the permitted five percent. The reason for the request for an increase in lot coverage is to permit a fully accessible building based on minimum clearances required for wheelchair accessibility, as the applicants have a son with mobility issues. They have requested an attached garage, which increase the lot coverage of the principal building, to allow safe access to and from the building and into their vehicle for their son.

The Planning Department is able to support the application.

KFL&A Public Health have no objections to the proposal as the applicants have submitted an application for a new septic system which would accommodate the proposed structure.

Comments from Rideau Valley Conservation Authority and Public Works were not required.

The building department has no objections.

D. Hahn and R. Sutherland both stated they agree with that analysis of the planner that there is rarely good justification for an increase in lot coverage but that this is one of the cases where it is a reasonable request. Additionally, D. Hahn indicated that he appreciated the fact that the lot coverage was the only variance requested and the applicants had worked to ensure all required setbacks were met. He suggested that the committee include a condition in the site plan which limits the total lot coverage permitted for future accessory buildings to three percent to account for the two percent increase in coverage for the principal building.

R. Sutherland agreed with this proposal so that the overall lot coverage would still be limited to a maximum of ten percent.

RESOLUTION: C of A: 17:10:08

Moved by: D. Hahn

Seconded by: J. McDougall

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-42-17-B by Teresa Verlinden and Elizabeth Brown, to permit an increase in lot coverage for a principal building, in Concession 11, Part Lot 23, Dairy Lane, District of Bedford, subject to conditions.

Carried

Application No: MV-42-17-B
Owner: Theresa Verlinden, Elizabeth Brown
Location of Property: Concession 11, Lot/Part Lot 23, Dairy Lane, District of Bedford, Township of South Frontenac
Purpose of Application: To vary section 10.3.1 of the Comprehensive Zoning By-law 2003-75 to permit an increase in lot coverage of a principal building from 5% to 7%
Date of Hearing: November 9, 2017
Date of Decision: November 9, 2017
Decision: MINOR VARIANCE APPROVED, subject to conditions

CONDITIONS:

1. This minor variance is for the demolition of the existing dwelling and construction of a maximum 3250 square foot footprint single detached dwelling.

2. Minor variance MV-42-17-B is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
3. A building permit is required for ALL demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.
4. The applicant shall enter into a site plan agreement with the Township to be registered on title, which sets out the Township's environmental policies, and which specifies that a permit may be required from Rideau Valley Conservation Authority for the proposed development, and for any shoreline or in-water works.

Item #10: MV-43-17-L (Colangeli)

Speaking to the Application: Robert Colangeli

Discussion:

The subject land consists of 6.07 +/- acres with frontage on Burega Lane and Loughborough Lake. The property is currently developed with a single detached dwelling, a sleeping cabin, and a detached storage building. The proposal is for the construction of a 32 foot by 50 foot (1600 square foot) detached accessory building to be located a minimum of 3 metres (10 feet) from the right-of-way which accesses 1219 Burega Lane. There is an existing power line running along the eastern side of the property which limits the opportunity to locate the proposed building any farther from the right-of-way.

The Planning Department is able to support the application.

Comments from KFL&A Public Health, Cataraqui Region Conservation Authority and Public Works were not required.

The building department has no objections.

RESOLUTION: C of A: 17:10:09

Moved by: R. Sutherland

Seconded by: D. Hahn

THAT the South Frontenac Township Committee of Adjustment hereby APPROVES minor variance application MV-43-17-L by Robert Colangeli and Julie McGinn to permit a reduction in setback from a right-of-way, in Concession 1, Part Lot 8, Burega Lane, District of Loughborough, subject to conditions.

Carried

Application No: MV-43-17-L
Owner: Robert Colangeli, Julie McGinn
Location of Property: Concession 1, Lot/Part Lot 8, Burega Lane, District of Loughborough, Township of South Frontenac
Purpose of Application: To vary section 5.6.1 of the Comprehensive Zoning By-law 2003-75 to permit a reduction in setback from a private lane
Date of Hearing: November 9, 2017
Decision: MINOR VARIANCE APPROVED, subject to conditions

CONDITIONS:

1. This minor variance is for the construction of a 1600 square foot footprint detached accessory building, to be located a minimum of 3 metres from the right-of-way which accesses 1219 Burega Lane.
2. Minor variance MV-43-17-L is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.
3. A building permit is required for ALL demolition and construction on the property. There shall be no additional development, or demolition of existing structures, on the property without approval from the Township of South Frontenac.

Item #15: Adjournment

RESOLUTION: C of A: 17:10:10

Moved by: R. Sutherland

Seconded by: K. Gee

THAT the November 9, 2017 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 7:25 p.m. to reconvene at 7:00 p.m. on Thursday, December 14, 2017 or at the call of the Chair.

Carried

Alan Revill
Chair

Lindsay Mills
Secretary-Treasurer

DRAFT